

RESOLUTION NO. 18- 119

**RIGHT-OF- WAY VACATION
FOR PORTIONS OF ROAD IN CLAGSTONE PLAT
PLANNING DEPARTMENT FILE #VS1850-16**

WHEREAS, Jeff & Cheryl Dement filed a petition with Bonner County, Idaho for the vacation (abandonment) of portions of undeveloped streets and alleys, described in Exhibit D, within the Clagstone Plat lying in the Northwest Quarter of Section 23, Township 54 North, Range 4 West, Boise Meridian, Idaho; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation of these roadways as described in Exhibit D (Planning Department File #VS1850-16) on September 8, 2016, pursuant to the procedures of Idaho Code §40-203; and

WHEREAS, following the duly noticed public hearing, the Bonner County Board of Commissioners did adopt findings of fact and conclusions of law in support of the abandonment of the portions of undeveloped streets and alleys, described in Exhibit D, within the Clagstone Plat lying in the Northwest Quarter of Section 23, Township 54 North, Range 4 West, Boise Meridian, Idaho, finding and concluding that:

Conclusion 1

This proposal was reviewed for compliance with the vacation criteria and standards set forth at Idaho Code, Title 40, Chapter 2, Highways and Bridges, General Provisions.

Conclusion 2

The abandonment of the public right-of-way is in the public interest.

Finding

No public agency has objected to the proposed right-of-way vacation. There are no utilities located within the areas that are proposed to be vacated, according to the application. Local utility providers were routed as part of agency review, and none responded.

Conclusion 3

By granting this petition for vacation of public right-of-way, real property adjoining the subject highway or public right-of-way will not be left without access to an established highway or public right-of-way.

Finding

Access will be maintained via Kelso Lake Road; and

WHEREAS, the Board of Commissioners, pursuant to the petition dated September 8, 2016, agreed to vest the vacated area to the owners of the parcels through which the right-of-way traverses, shown of record to be Jeff & Cheryl Dement; and

WHEREAS, pursuant to the Board's conditions of approval, the petitioners have paid all legal advertisement and recording costs for the vacation proceedings.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Bonner County, Idaho, that portions of undeveloped streets and alleys, described in Exhibit D, within the Clagstone Plat lying in the Northwest Quarter of Section 23, Township 54 North, Range 4 West, Boise Meridian, Idaho, is hereby vacated.

BE IT FURTHER RESOLVED that all easements, franchise rights, appurtenances, or any other interests of any property owner or public utility in or across the property in question shall not be impaired by the granting of the vacation.

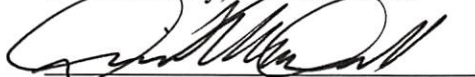
BE IT FURTHER RESOLVED that Bonner County does hereby drant, deed and convey the vacated right-of-way as described in Exhibit D to Jeff & Chery Dement the owners of the lots in which these rights-of-way are described.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on the 9th day of October, 2018.

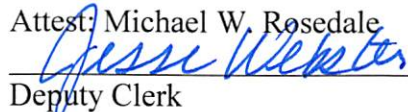
BONNER COUNTY BOARD OF COMMISSIONERS


Glen Bailey, Chairman

ABSENT
Jeff Connolly, Commissioner


Dan McDonald, Commissioner

Attest: Michael W. Rosedale


Deputy Clerk

10-9-18
Date



Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (208) 265-1463

Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

September 25, 2018

Memorandum

To: Board of County Commissioners

From: Milton Ollerton, Bonner County Planning Director

Re: Resolutions vacating (abandonment) of 6.3 acres of Bonner County right-of-way located within the Clagstone Plat. The request also includes the dedication of a portion of Kelso Lake Road right-of-way, resulting in 0.4 acres.

The Board of Commissioners approved the vacation of rights-of-way located within the Clagstone Plat and the dedication of a portion of Kelso Lake Road right-of-way following a public hearing held on September 8, 2016.

Conditions of approval required the petitioners to reimburse the county for costs to publish and mail legal notices for the public hearing. Payment of fees have been made. Also, the new written legal descriptions have been provided to the county for recording with the resolution vacating the right-of-way.

Idaho Code §40-203 requires a resolution be recorded confirming the vacation (abandonment) of the public right-of-way and the vesting of title for the abandoned right-of-way.

(Recommendation)

Staff recommends the Board approve the resolution for the vacation of a portion of rights-of-way within the Clagstone Plat as described in the attached legal description.

Suggested motion: I move to approve Resolution # 18- 119 vacating a portions of rights-of-way within the Clagstone Plat as described herein, and Resolution #18- 120 the dedication of a portion of Kelso lake Road right-of-way, File #VS1850-16.

Recommendation Acceptance: ☒ Yes ☐ No

Glen Bailey Date: 9 Oct '18
Commissioner Glen Bailey, Chairman